

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS, WESTERN DIVISION

In the Bankruptcy Matter of:

Glenn Williams
Kathy Freeman

Debtors

Bankruptcy No. 15-83121
Judge Thomas M. Lynch
Chapter: 13

NOTICE OF MOTION

TO: Glenn Williams, 10512 Hunter Trail, Huntley, IL 60142
Kathy Freeman, 10512 Hunter Trail, Huntley, IL 60142
Lydia Meyer, P.O. Box 14127, Rockford, IL 61105
Paul M. Bach, 900 Jorie Boulevard, Suite 150, Oak Brook, IL 60523
U.S. Trustee's Office, U.S. Trustee's Office, 780 Regent St., Suite 304, Madison, WI
53715

Please take notice on February 5, 2016 at 9:00 am, I shall appear before the Honorable Thomas M. Lynch, in Courtroom 3100, U.S. Bankruptcy Court, Stanley J. Roszkowski U.S. Courthouse, 327 South Church Street, Rockford, IL 61101, and present the attached motion at which time you may appear if you wish.

/s/ Josephine J. Miceli

Josephine J. Miceli, IL ARDC #6243494

CERTIFICATE OF SERVICE

I, Josephine J. Miceli, an attorney certify that I served the attached motion by mailing a copy to the Debtors at the address listed above by depositing the same in the U.S. mail, first class, postage prepaid at 230 W. Monroe St., Chicago, IL 60606 on or before 5:00 p.m. on January 27, 2016. The remaining parties were served by the CM/ECF electronic noticing system.

/s/ Josephine J. Miceli

Josephine J. Miceli, IL ARDC #6243494

Josephine J. Miceli
Johnson, Blumberg, & Associates, LLC
230 W. Monroe Street, Suite 1125
Chicago, Illinois 60606
Ph. 312-541-9710
Fax 312-541-9711

NOTICE:

THIS LAW FIRM IS ATTEMPTING TO COLLECT A DEBT AND ANY
INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE

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MOTION FOR RELIEF FROM THE AUTOMATIC STAY

NOW COMES The Bank of New York Mellon , f/k/a The Bank of New York, as trustee for the certificateholders of the CWABS , Inc. Asset-Backed Certificates Series 2006-3 by Ditech Financial LLC (hereinafter “Movant”), through its attorney, Josephine J. Miceli of Johnson, Blumberg & Associates, LLC, and states as follows:

1. The Movant, a party in interest, holds a Mortgage dated November 29, 2005 on the property located at 10512 Hunter Trail, Huntley, Illinois 60142, in the original amount of \$338,300.00. (A copy of the Note, Mortgage, and Assignment of Mortgage are attached as Exhibit A, B, and C respectively and incorporated herein by reference).
2. The above-captioned Chapter 13 case was filed on December 17, 2015 and the Debtors' Plan has not yet been confirmed.
3. The proposed plan provides for the Debtors to surrender the subject property.
4. Notwithstanding the surrender language in the plan, as of January 6, 2016, the Debtors have failed to maintain post-petition payments thereby accruing a default of 1 payment from January 1, 2016 through January 1, 2016 for a post-petition arrearage total of \$2,850.08. A breakdown is as follows:

Number of Payments	From	To	Monthly Payment Amount	Total Amount
1	1/1/2016	1/1/2016	\$2,850.08	\$2,850.08
		Total post-petition default: \$2,850.08		

5. The Movant adopts the facts set forth in the Statement of Default as additional allegations in support of this motion.
6. The Movant has no adequate protection in that the Debtors are in material default under the terms of the note and mortgage, the plan proposes to surrender the subject property and there is little or no equity in the property.
7. That should the Debtors wish to reinstate while under the jurisdiction of this Court, Movant requests to be reimbursed for the costs and attorney fees of filing this motion.
8. That Movant is entitled to relief pursuant to 11 U.S.C. 362(d).
9. The Movant requests waiver of 14 day stay provision of Bankruptcy Rule of Procedure 4001(a)(3).

WHEREFORE, The Bank of New York Mellon , f/k/a The Bank of New York, as trustee for the certificateholders of the CWABS , Inc. Asset-Backed Certificates Series 2006-3 by Ditech Financial LLC prays for the entry of an order modifying, annulling or terminating the Automatic Stay instantler to allow foreclosure, eviction, or any other action with respect to the Movant protecting its rights in the subject property as the Court deems appropriate and for such other relief as the Court deems just.

/s/ Josephine J. Miceli

Josephine J. Miceli, ARDC #6243494
Attorney for The Bank of New York Mellon , f/k/a
The Bank of New York, as trustee for the
certificateholders of the CWABS , Inc. Asset-
Backed Certificates Series 2006-3 by Ditech
Financial LLC

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